

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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C. GREGORY EARLS,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Defendant.

-----X  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

**MEMORANDUM AND ORDER**

07 Civ. 5946 (NRB)

Currently before the Court is petitioner C. Gregory Earls' ("Earls") Motion for a Certificate of Appealability from our Memorandum and Order dated September 27, 2007, which denied Earls' Petition for a Writ of Habeas Corpus. See Earls v. United States, 2007 WL 2826680 (S.D.N.Y. September 27, 2007).

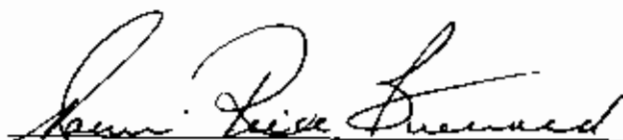
We hereby deny Earls' Motion for a Certificate of Appealability for the reasons stated in our September 27, 2007 Order.

We believe our September 27, 2007 Memorandum and Order is based on well accepted principles that are fundamental to our legal system. Petitioner has cited no authority which would support a contrary result. See also 28 U.S.C. § 2253(c)(2) ("A certificate of appealability may issue . . . only if the

applicant has made a substantial showing of the denial of a constitutional right.").

**IT IS SO ORDERED.**

Dated: New York, New York  
November 13, 2007

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Memorandum and Order have been mailed on this date to the following:

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